

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

Status

As is correctly reflected in the Office Action Summary, Claims 1-14 are pending. Claims 1-14 stand rejected.

Summary of Amendments

By the foregoing amendments, Claim 1 was amended to specify that the tablet comprises less than 40 mg/g of active principle. Support for this amendment may be found throughout the Specification and at least at original Claim 10. Accordingly, no new matter has been added. By extension, Claim 10 was amended to specify that the tablet comprises less than 10 mg/g of active principle. Support for this amendment may be found throughout the Specification and at least at original Claim 10. Accordingly, no new matter has been added.

Also by the foregoing amendments, Claim 7 was amended to correct a minor and typographical error. Specifically, the word "be" was corrected to read "by." Support for this amendment may be found at least at original Claim 7. Accordingly, no new matter has been added.

Further by the foregoing amendments, Claims 9 and 13 were amended to delete the "preferably . . ." clauses. The content of these clauses was then added, respectively, to new dependent Claims 15 and 16. Support for these amendments

may be found at least at former and original Claims 9 and 13. Accordingly, no new matter has been added.

Finally by the foregoing amendments, Claim 11 was amended to pertain to a compression premix for the preparation of the tablet according to Claim 1, wherein the premix is intended to be subject to direct expression. Support for the amendment of Claim 11 may be found at least at Page 14, Lines 5-10 of the Specification. Accordingly, no new matter has been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-10, 13, and 14 were rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite. *See Official Action, Page 2.* According to the Examiner, “low” in Claim 1 and “preferably” in Claims 9, 10, and 13 render these claims indefinite. Applicants respectfully traverse these rejections.

Not to acquiesce in the Examiner's rejections, but solely to facilitate prosecution, Applicants have amended Claims 1, 9, 10, and 13 to delete the rejected “low” and “preferably” clauses. Applicants believe these amendments have rendered the foregoing rejections moot, and respectfully request withdrawal thereof.

Rejections Under 35 U.S.C. § 102 over Koyama

Claims 11 and 12 were rejected under 35 U.S.C. § 102(b) over European Patent Application 0 361 874 to Koyama *et al.* ("Koyama"). See *Official Action*, Page 2. According to the Examiner, "[Koyama] teaches a core granule coated with a dispersion containing a drug (abstract). Nonpareils comprising sucrose are specified (page 2 line 53), 12-32 mesh is specified (page 3, lines 56-58)." *Id.* This rejection is respectfully traversed.

As stated in the previous Amendment and Reply, filed April 23, 2004, to anticipate a claim, a single source must contain all elements of the claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). Therefore, to anticipate Claims 11 and 12, Koyama must contain all elements of these claims. Applicants respectfully assert that it does not.

As indicated above, Claim 11 has been amended to pertain to a compression premix for the preparation of the tablet according to Claim 1, wherein the premix is intended to be subject to direct expression. Applicants believe the amendment of Claim 11 has rendered moot the outstanding 35 U.S.C. § 102(b) anticipation rejection, and respectfully request withdrawal thereof.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any remaining questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (703) 838-6526 so that prosecution of the application may be expedited.

Respectfully submitted,
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